

REMARKS

Review and reconsideration of the Communication of April 14, 2003, is respectfully requested in view of the above amendments and the following remarks.

Applicant would like to thank the Examiner for the indication that Claims 11-16 and 18-21 are allowed, and Claims 17 and 22-23 contain allowable subject matter (subject only to formalities rejections).

Claim 22 has been canceled. Claims 17 and 23 have been amended to overcome the formalities rejections.

Care has been taken to ensure that no new matter is added to the claims.

Applicant believes that Claims 1-10 and 23 are also allowable. Applicant reviewed the Chung reference and notes that compared with present Claim 1, the reference fails to teach that the composition contains **from about 30 to 70% weight of the total composition of the inorganic salt in crystalline form**. The composition will, therefore, comprise a salt in saturated aqueous solution of the salt, together with the crystal form.

Applicant notes that the Chung reference contains from 15 to 30 % of NaCl, but nowhere in the reference can be found the teaching that the salt is in **crystalline form**. Applicant also notes **that the solution of the Chung reference is sprayed into the fruits, thus the composition cannot contain NaCl in**

crystalline form because the crystals will clog the nozzle. In addition, the Chung reference cannot contain the salt in crystalline form because the crystalline salt has abrasion characteristics that will damage the skin of the fruits.

Furthermore, Applicant notes that the reference uses the salt to help in the emulsification of the coconut oil (column 2, lines 59-68). Thus, a person skilled in the art will not consider using high amounts of salt (such as to saturate or over saturate the composition) because that will be impractical.

For a solution to contain any form of crystal, it should be saturated or over saturated.

The inventor found to be an advantageous property of the composition of the present invention that the salt, which serves as a mechanical abrasive, does not clog the interior surfaces of the substrate; this being due to the water solubility of the salt resulting in the complete removal of any residual salt during the final step of rinsing the substrate after cleaning.

Thus, the prior art fails to teach that the inorganic salt is in a **crystalline form as is claimed in Claim 1.**

Office Action

Turning now to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

Paragraph 1 (Priority)

The Examiner makes of record that Parent Application No. 09/372,198 (now U.S. Patent No. 6,284,056), filed on August 11, 1999, and Provisional Application No. 60/096,091, filed on August 11, 1998, do not provide support for Claims 1-23 of the instant application, Serial No. 09/945,053, filed on August 31, 2001.

Paragraphs 2-3 (Formalities)

The Examiner objects to Claim 17 because of the following informalities:

Instant Claim 17, which depends from Claim 11, requires the composition to further include a fragrance and a dye.

In response, Applicant has amended the claim to overcome the formality rejection.

The Examiner objects to Claim 22 under 37 CFR 1.75 as being a substantial duplicate of claim 11.

In response, Applicant has deleted the claim.

Accordingly, withdrawal of the objections is respectfully requested.

Paragraphs 4 - 5 (Formalities)

The Examiner rejects Claim 23 under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicant has amended the claim to overcome the formality rejection.

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraphs 6 - 7 (Anticipation)

The Examiner rejects Claims 1-9 under 35 U.S.C. 102(b) as being anticipated by Chung, U.S. Patent No. 4,808,330.

The position of the Examiner can be found on page 4 of the Office Action.

Applicant respectfully traverses.

For a reference to anticipate, it must disclose every single element of the claim.

Applicant reviewed the Chung reference and notes that compared with present Claim 1, the reference fails to teach that the composition contains **from about 30 to 70 % weight of the total composition of the inorganic salt in crystalline form.** The composition will, therefore, comprise a salt in saturated aqueous solution of the salt, together with the crystal form.

However, the Examiner asserts that the sodium chloride used by the reference would inherently contain the **crystalline form** of sodium chloride.

Applicant notes that the Chung reference contains from 15 to 30% of NaCl, and nowhere in the reference can be found the teaching that the salt is in crystalline form. Applicant also notes that the solution of the Chung reference is sprayed into the fruits, thus the composition cannot contain NaCl in crystalline form because the crystals will clog the nozzle. In addition, the Chung reference cannot contain the salt in crystalline form because the crystalline salt has abrasion characteristics that will damage the skin of the fruits.

Furthermore, Applicant notes that the reference uses the salt to help in the emulsification of the coconut oil (column 2, lines 59-68). Thus, a person skilled in the art will not consider using high amounts of salt (such as to saturate or over saturate the composition) because that will be impractical.

For a solution to contain any form of crystal, it should be saturated or over saturated.

In the present invention, the total amount of the inorganic salt in crystalline form present in the cleaning composition should be from 30 to 70%, preferably from 40 to 53%, and ideally about 49% of the total weight of the composition. (page 13, paragraph [00066]).

Due to the high solubility of salt in water (and poor solubility in alcohol), as the proportion of alcohol is increased, the lower the amount of salt needed to ensure presence of crystalline salt in the final composition. As the proportion of water is increased (and the proportion of alcohol is correspondingly decreased), the proportion of salt must also

be increased in order to ensure the presence of inorganic salt in crystalline form in the final composition.

The inventor found to be an advantageous property of the composition of the present invention that the salt, which serves as a mechanical abrasive, does not clog the interior surfaces of the substrate; this being due to the water solubility of the salt resulting in the complete removal of any residual salt during the final step of rinsing the substrate after cleaning.

Thus, the prior art fails to teach that the inorganic salt is in a **crystalline form as is claimed in Claim 1.**

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraphs 8- 9 (Double Patenting)

The Examiner rejects Claims 1-10 under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-5 of U.S. Patent No. 6,284,056.

In response, Applicant is filing herewith a Terminal Disclaimer.

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraphs 10-12 (Allowable Subject Matter)

The Examiner indicates that Claims 11-16 and 18-21 are allowed, since the prior art of record does not teach or fairly suggest a cleaning composition comprising 30-70% by weight of an inorganic salt in crystalline form, a water miscible solvent,

U.S. APPLICATION 09/945,053
AMENDMENT A

ATTORNEY DOCKET NO.: 3919.003


water, a terpene, an antibacterial agent, and a surfactant, per the requirements of instant Claims 11-16 and 18-21.

We are pleased with the Examiner's indication.

Applicant would like to thank the Examiner.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,



Evelyn A. Defilló
Registration No. 45,630

PENDORF & CUTLIFF
5111 Memorial Highway
Tampa, FL 33634-7356
(813) 886-6085

Date: August 8, 2003

U.S. APPLICATION 09/945,053
AMENDMENT A

ATTORNEY DOCKET NO.: 3919.003

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT A for U.S. Application No. 09/945,053 filed August 31, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Attn: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on **August 8, 2003**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Evelyn A. DeFilippo